THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.14695 of 2006

Dated:18.08.2006

Between:

Madhavarapu Veera Venkata Staya Sai Chakravarthy and another.

…Petitioners

and

Revenue Divisional Officer, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.14695 of 2006

ORDER:

The dispute essentially between petitioners 1 and 2 on the one side and respondents 3 and 4 on the other side is in relation to the property admeasuring Acs.20.00 in Survey No.237/1 of J.Annavaram Village of Yeleswaram Mandal in East Godavari District, which originally belong to one Veeramreddy Chandra Rao, the husband of the third respondent. It appears Chandra Rao executed a Will in favour of the petitioners bequeathing all his properties on 15.10.2002 duly registering the same. Be it noted that the petitioners herein are grandsons of Chandra Rao, whereas the fourth respondent is another grandson through his younger daughter. Be that as it is, respondents 3 and 4 filed a suit, being O.S.No.24 of 2005 on the file of the Court of the Junior Civil Judge, Prathipadu, for permanent injunction based on another Will dated 05.03.1999 allegedly executed by late Chandra Rao in their favour. The suit is pending. In the meanwhile, the third respondent approached the first respondent to effect necessary changes in the record of rights whereupon by proceedings impugned herein dated 14.02.2006, the first respondent ordered to correct the entries in the pattadar pass books and title deeds in favour of the third respondent which were earlier issued in the name of Chandra Rao.

Inter alia, it is urged that the impugned order is bad for want of

notice to the petitioners who inherited the property under registered sale deed dated 15.10.2002. The matter was heard at preliminary stage on 18.07.2006. Having regard to the submission made by the learned Counsel for the petitioners, the learned Assistant Government Pleader for Revenue (General) was directed to get instructions in the matter, and this Court also ordered notice to respondents 3 and 4, who are now represented by duly instructed Counsel and a counter affidavit is also filed by them.

After getting instructions, the learned Assistant Government Pleader submits that the first respondent did not issue any notice to the petitioners and acted on the application made by the third respondent. There is no denial that initially the land in Survey No.237/1 admeasuring Acs.20.00 was registered in the name of Chandra Rao and when he executed a Will in favour of the petitioners, the order effecting the changes in the record of rights in favour of the third respondent without notice to the petitioners cannot be sustained. Therefore, the impugned order is set aside. Liberty is given to the petitioners as well as respondents 3 and 4 to approach the Mandal Revenue Officer under Section 4 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, for necessary changes in the record of rights and for obtaining pattadar pass books.

The Writ Petition, with the above observations and directions is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

18.08.2006
vs